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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/433,135	11/03/1999	JOHN G. SAVAGE	8243.00	2108

7590 04/24/2002

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EXAMINER

COSIMANO, EDWARD R

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

C9

Office Action Summary	Application No.	Applicant(s)
	09/433,135	SAVAGE ET AL.
	Examiner Edward R. Cosimano	Art Unit 2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 November 1999.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-35 is/are pending in the application.

4a) Of the above claim(s) none is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-35 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 03 November 1999 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5,6</u> .	6) <input type="checkbox"/> Other: _____.

1. Applicant should note the changes to patent practice and procedure:
 - A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997; and
 - B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000.
2. The drawings are objected to because
 - A) the following errors have been noted in the drawings:
 - (1) The drawings are objected to as failing to comply with 37 CFR § 1.84(p)(4) because reference character "32" in figs. 1 and 2 has been used to designate both the upper most panel of ATM 10 and a microphone, (note the paragraphs at:
 - (a) page 4, lines 9-11, "In addition, the ATM 10 ... microphone 32 ... as described below."; and
 - (b) page 4, lines 12-20, "Reference is now also made to Figure 2 ... microphone 32 ... with the cash dispenser slot 18.";
 - (c) page 5, lines 2-17, "In use, the user inserts ... microphone 32. In ... microphone 32, the ... option is to be selected, for example:"; and
 - (d) the abstract "A self-service terminal ... microphone (32) ... module (33).".

2.1 A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2.2 Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

3. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings.

Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(g)-1.121(h).

4. Claim 35 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4.1 Since neither claims 30, 31 nor 33 mention verifying the identity of the customer, claim 35 lacks antecedent basis in claim 33 for using an identifying card to verify the identity of the customer.

4.2 For the above reason, applicant has failed to particularly point out what is regarded as the invention.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.1 Claims 1, 2, 4-7, 8-12, 14-18, 20 & 21, are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by either Fukatsu (GB 21133392 or 4,593,183).

5.1.1 In regard to claims 1, 2, 4-7, 8-12, 14-18, 20 & 21, either Fukatsu ('392 or '183) disclose a transaction machine which provides audible instructions in natural speech to the operator in a selected language once the operator has been identified. These systems further include a operator interface to receive commands/instructions from the operator and a means for processing the operator's commands/instructions, see figs 13, 16A-16C, 17, 18, 20 & 21).

5.2 Claims 22-24 & 30 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Devinney et al (WO 98/23062).

5.2.1 In regard to claims 22-24 & 30, Devinney et al ('062) discloses a transaction machine which provides accepts audible instructions in natural speech from the operator. This system then processes the operator's instructions in order to control the operation of the transaction machine.

6. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

6.1 Claims 3, 8, 13, 19, 25-29 & 31-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Fukatsu (GB 21133392 or 4,593,183) as applied above to claims 1, 2, 4-7, 8-12, 14-18, 20 & 21 and further in view of Devinney et al (WO 98/23062) as applied above to claims 22-24 & 30 as evidenced by Johnstone et al (4,462,080).

6.1.1 In regard to claims 3, 8, 13, 19, 25-29 & 31-35 the systems of either Fukatsu ('392 or '183) do not teach using audible commands from the operator to control the operation of the system. However, in the environment of transaction machines Devinney et al ('062) discloses using audible operator commands to control the operation of a transaction machine. Since;

A) Johnstone et al ('080) discloses in 1984 the desirability of using audible speech to provide operating instructions to an operator and to receive commands from the operator; and

B) either Fukatsu ('392 or '183) or Devinney et al ('062) are in the same environment of transaction machines;

it would have been obvious to one of ordinary skill at the time the invention was made that the transaction system of either Fukatsu ('392 or '183) could be modified to include using audible

speech to control the operation of the transaction machine as taught by Devinney et al ('062) as suggested by Johnstone et al ('080).

7. The examiner has cited prior art of interest, for example:

A) either Immarco et al (5,991,726) or JP 11-308309) or Savage et al (WO 00/28495) or Cillo which disclose using speech to control the operation of a device.

8. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703)-305-9768. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

- 9.1 The fax phone number for **UNOFFICIAL/DRAFT FAXES** is (703) 746-7240.
- 9.2 The fax phone number for **OFFICIAL FAXES** is (703) 746-7239.
- 9.3 The fax phone number for **AFTER FINAL FAXES** is (703) 746-7238.

04/21/02

Edward Cosimano
Edward R. Cosimano
Primary Examiner A.U. 2161